

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHELBY GREEN,

Plaintiff,

v.

WALMART, INC., et al.,

Defendants.

Case No. 1:22-cv-00435-JLT-EPG

ORDER RE: PLAINTIFF’S NOTICE OF
VOLUNTARY DISMISSAL

(ECF No. 29).

On January 12, 2024, Plaintiff filed a notice of voluntary dismissal dismissing this action without prejudice. (ECF No. 29).

Federal Rule of Civil Procedure 41(a)(1)(A)(i)-(ii) provides that a plaintiff “may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or a stipulation of dismissal signed by all parties who have appeared.”

On April 25, 2022, Defendant Walmart, Inc. filed an answer. (ECF No. 4). Because Defendant has filed an answer, a notice of voluntary dismissal under Rule 41(a)(1)(A)(i) is insufficient to dismiss this action.

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Accordingly, IT IS ORDERED as follows:

1. By no later than January 23, 2024, Defendant shall file either (1) a signed document reflecting its approval of the dismissal of this case as requested by Plaintiff; or (2) an opposition to the dismissal.
2. Alternatively, the parties may file a stipulation of dismissal in compliance with Rule 41(a)(1)(A)(ii).

IT IS SO ORDERED.

Dated: January 16, 2024

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE